

CITY ORDINANCE 07-O-1897

**AN ORDINANCE BY COUNCILMEMBER CLAIR MULLER
AS SUBSTITUTED BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 10, ALCOHOLIC BEVERAGES, SECTION
10-1 BY ADDING THE WORDS "OR IMPORTER" TO THE DEFINITION OF WINE
SPECIALTY SHOP; AND FOR OTHER PURPOSES.**

WHEREAS, to promote public safety and general welfare, the City of Atlanta has promulgated ordinances which regulate the sale of beer, wine and distilled spirits; and

WHEREAS, the State of Georgia has promulgated distinct laws and regulations which govern and at times treat differently, the sale of beer, wine and distilled spirits; and

WHEREAS, wine is a product which is produced and consumed worldwide; and

WHEREAS, the City of Atlanta has been and continues to be a burgeoning international city and destination for visitors from throughout the region, nation and world; and

WHEREAS, consumer interest in and demand for wines has increased; and

WHEREAS, the City of Atlanta has taken affirmative steps to create a diversified urban environment where people can live, work and recreate; and

WHEREAS, it is the stated purpose of the City of Atlanta's Alcohol Code that the City establish reasonable and ascertainable standards for the regulation and control of the licensing and sale of alcohol while preserving residential areas, promoting desirable living conditions and sustaining stability of neighborhoods and property values;

WHEREAS, the City of Atlanta previously enacted legislation to permit small, neighborhood oriented businesses to sell wine collectibles and wine by the package in limited quantities while maintaining the beneficial characteristics of neighborhoods by creating an alcohol license status known as a "Wine Specialty Shop;" and

WHEREAS, a specific characteristic of a Wine Specialty Shop is to limit the variety of wines offered for sale to a variety of wines from not less than 100 nor more than 200 manufacturers of wine; and

WHEREAS, a specific characteristic of a Wine Specialty Shop is that a Wine Specialty Shop maintain a minimum inventory of at least thirty six (36) bottles of wine from each manufacturer of wine offered by the Wine Specialty Shop; and

WHEREAS, some businesses that wish to avail themselves of the status of a Wine Specialty Shop intend to offer for sale to the public, imported specialty wines from foreign wine manufacturers, such as back vintages and limited production wines, which imported specialty wines are available only in very limited quantities which are less than thirty six (36) bottles of wine and as a result, such businesses cannot presently operate under the status of Wine Specialty Shop; and

WHEREAS, such imported specialty wines from foreign wine manufacturers are made available to wine wholesalers from wine importers and are in turn available to Wine Specialty Shops from wine wholesalers; and

WHEREAS, the City of Atlanta's Alcohol Code defines "Importer" as "any person who imports an alcoholic beverage into the State of Georgia from a foreign country and sells the alcoholic beverage to another importer, broker, or wholesaler and who maintains a stock of the alcoholic beverage." and

WHEREAS, the City of Atlanta's intent to permit small, neighborhood oriented businesses to sell wine collectibles and wine by the package in limited quantities, while maintaining the beneficial characteristics of neighborhoods, and the desire of businesses to offer for sale to the public, imported specialty wines from foreign wine manufacturers from Wine Specialty Shops can both be permitted by revising the definition of Wine Specialty Shop to provide that the limited wine inventory offered for sale by Wine Specialty Shops be classified to originate from either manufacturers or importers of wine; and

WHEREAS, the City of Atlanta desires to enact legislation which provides the opportunity for Wine Specialty Shops to offer for sale to the public, imported specialty wines from foreign wine manufacturers which are available only in very limited quantities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1:

To revise the definition of "Wine Specialty Shop" in Chapter 10, Section 10-1 *Definitions* by striking subparagraph (3) in its entirety, which presently states: "(3) Which shall maintain on the premises and offer for sale at all times a variety of wines from not less than 100 nor more than 200 manufacturers of wine;" and replacing subparagraph (3) with: "(3) Which shall maintain on the premises and offer for sale at all times a variety of wines from not less than 100 nor more than 200 manufacturers or importers of wine or any combination thereof the total of which shall not fall below 100 nor exceed 200;"

SECTION 2:

To amend the definition of "Wine Specialty Shop" in Chapter 10, Section 10-1 *Definitions* by adding "or importer" after the word "manufacturer" in subparagraph (4).

SECTION 3:

Should any ordinance or part thereof be found to conflict with this ordinance or the provisions thereof, then those sections contained herein shall be deemed controlling.

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DEFINITION OF A WINE SPECIALTY SHOP; AND
FOR OTHER PURPOSES.**

WHEREAS, Sherlock's Purveyor of Fine Wines, Spirits & Beers located at 3401 Northside Parkway has been in existence for 30 years but has to relocate within the shopping center where it is currently located, thereby removing its' grandfathering status based on distance requirements; and

WHEREAS, Sherlock's Wine is licensed as a package store and can sell wine, beer and spirits however the owner primarily imports specialty wines from Western Europe and would like to solely sell and specialize in such; and

WHEREAS, since the owner imports such specialty wines from Western Europe he is sometimes unable to obtain 36 bottles of one particular wine falling short of the requirement for a wine specialty shop; and

WHEREAS, the owner has over 200 labels of specialty wines but since his importer groups the wines together it would seem that they can be counted as one manufacturer thereby not exceeding another current Specialty Wine Shop inventory requirement; and

WHEREAS, it seems appropriate to include wine importer shops such as Sherlock's in the definition of a Specialty Wine Shop.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: To amend Chapter 10, Section 10-1 *Definitions* by adding "or importer" after the word manufacturer in subparagraphs (3) and (4).

Section 2. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

"Wine specialty shop" means a retail establishment:

- (1) Which shall deal in the sale of table wine, fortified wines, port, sherry for consumption off the premises and/or wine accessories; and at which on-premises consumption of alcoholic beverages is specifically prohibited;
- (2) Which shall not maintain on the premises or offer for sale malt beverages or distilled spirits;
- (3) Which shall maintain on the premises and offer for sale at all times a variety of wines from not less than 100 nor more than 200 manufacturers of wine;
- (4) Which shall maintain and replenish an inventory of at least 36 bottles of wine from each manufacturer of wine referred to in subsection (3) above; provided however, that any inventory which is depleted to less than 36 bottles of wine must be replenished to at least 36 bottles of wine within 15 days of the date that the inventory falls below 36 bottles;
- (5) Which shall submit an inventory list of all wines maintained on the premises and offered for sale to the licenses and permits unit of the police department. Such inventory list shall be submitted to the licenses and permits unit on a quarterly basis by the first day of each of the following months: January, April, July and October; and
- (6) Whose total interior floor area, inclusive of storage area, shall not exceed 2,000 square feet.